

p13465

RECEIVED

ATTORNEY DOCKET NO. 43890-407
FEB 06 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 2600

In re Reissue Application of:

U.S. Patent No. 5,764,622

Serial No.: 08/652,053

Issued: June 9, 1998

Inventor: Ichiro KAWAMURA et al.

For: RECORDING MEDIUM CARTRIDGE AND
SIGNAL RECORDING APPARATUS

Group Art Unit: 2754

Examiner: D. OMETZ

HE5

SUPPLEMENTAL DECLARATION PURSUANT TO 37 C.F.R. § 1.175(b)(1)

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We declare:

THE INVENTORS

1. That we, Ichiro Kawamura, Ryoichi Imanaka and Yoshikazu Goto reside at the addresses listed below, and declare that we are citizens of Japan; that we are employed by Matsushita Electric Industrial Co., Ltd. of Osaka Japan; that Matsushita is the Assignee of the entire interest of the above-identified patent; that at the time the application for the above-identified Patent was filed we were engaged in the design of recording mediums as described in United States Letters Patent No. 5,764,622 ("original patent"), that we do not know and do not

believe that the invention was ever known or used in the United States before our invention; and that we are the declarants, applicants and patentees, referred to hereinafter.

2. That we believe that we are the original, first and sole inventors of the subject matter of the invention, which is claimed and for which a reissue patent is sought in the above-identified reissue application.

3. That we, Ichiro Kawamura, Ryoichi Imanaka and Yoshikazu Goto, are joint inventors of the subject matter claimed in the original patent, as well as the subject matter set forth in the additional claims contained in the reissue application.

4. That we believe the original patent to be wholly or partly inoperative or invalid, by reason of our claiming less than we had a right to claim.

5. More specifically, we believe that the claims 1-4 issued in the original patent recited language that unduly limited the scope of coverage afforded by these claims. Accordingly, new claims 6-17, which were originally presented in the above-identified reissue application, were amended from the original claims so as to eliminate the unduly limiting language. One example of such unduly limiting language is the recitation of the term "mounted to" when describing the interconnection between the detachable claw and the cartridge as recited by original claim 1. In new claim 12, the phrase "mounted to" is replaced by the term "engaging". We believe the use of the term "engaging" is fully supported by the specification, and is less restrictive than the phrase "mounted to".

6. In accordance with 35 U.S.C. § 119, we claim the benefit of a foreign filing date on the basis of Japanese Patent Application Nos. 7-123420 and 8-122948, filed on May 23, 1995 and May 17, 1996, respectively. A certified copy of each priority document was filed in the

parent application that issued as U.S. Patent No. 5,764,622.

7. That we hereby state that we have reviewed and understand the contents of the above-identified reissue application, and the amendments to the claims, including those presented in an amendment being filed concurrently with this Declaration.

8. On or about January 25, 2001, an Office Action issued stating that our original Declaration filed on April 24, 2000 was defective for: (1) failing to state that whether we were sole or joint inventors of the subject matter of the reissue application, (2) failing to state that we believed that we were the first inventors of the subject matter for which a patent is sought, (3) failing to specify at least one error, which is relied upon to support the reissue application, and (4) failing to state that all errors being corrected in the reissue application up to the time of filing of the declaration arose with deceptive intent. The current Supplemental Declaration is being submitted in an effort to correct the foregoing deficiencies in the original Declaration.

9. In addition, in response to the Office Action issued on or about January 25, 2001, as claims 11 and 17 were rejected under 35 U.S.C. § 112, first paragraph, claims 11 and 17 are being cancelled such that all remaining claims, which have been indicated to be allowable, may pass to issue.

10. That we acknowledge the duty to disclose information of which we are aware which is material to the examination of the application for the above-identified reissue application in accordance with 37 C.F.R. § 1.56(a).

11. Every error in the patent which was corrected in the patent reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on part of the Applicants.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: January 29, 2001

Ichiro Kawamura: Ichiro Kawamura

Address: 13-20, 2-chome, Yamasaka,
Higashisumiyoshi-ku, Osaka-shi,
Osaka, 546-0035 Japan

Date: January 29, 2001

Ryoichi Imanaka: Ryoichi Imanaka

Address: 3-2-6, Kuzuhamisaki, Hirakata-shi,
Osaka, 573-1112 Japan

Date: January 29, 2001

Yoshikazu Goto: Yoshikazu Goto

Address: 1-10-11, Nishikinya, Hirakata-shi,
Osaka, 573-1192 Japan

WDC99 243655-1.043890.0407

WDC99 381717-1.043890.0407